

Community Participation Committee Report to the World Trade Center Expert Technical Review Panel

Presented by
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Wednesday, February 23, 2005

This presentation is the result of a WTC Community-Labor Coalition Meeting held on Thursday, February 17, 2005

Presentation Overview

- Welcome to new Chair of Panel, Tim Oppelt
- Activities since November 2004 Panel Meeting: CBPR Progress Report
- Community Concerns
 - Process
 - Unmet Public Health Needs (On-going)
- EPA's Proposed Sampling Program to Determine Extent of WTC Impacts (10/15/04)
 - WTC Community-Labor Coalition Comments (January 18, 2005)
 - CBPR Expert Advisory Committee Review Report (January 18, 2005)

Welcome to Tim Oppelt, new Chair of Panel

- Community hopes that with Mr. Oppelt's leadership, the panel will be back on course after missing two monthly meetings (December 2004 & January 2005) since Dr. Gilman's November departure.

Activities since November 2004 Panel Meeting: CBPR Progress Report

- CBPR Expert Advisory Committee
 - WTC Community-Labor Coalition identified & assembled an independent committee of highly qualified scientists and practitioners with expertise in environmental health, epidemiology, toxicology, industrial hygiene, statistical analysis, chemistry, and atmospheric transport and modeling
 - Worked with SRA & EPA on related contracts
- Hired P/T WTC Community Facilitator Outreach Assistant: contract finalized by SRA & EPA in December 2004 for Barbara Caporale
- WTC Community-Labor Coalition Comments submitted on January 18, 2005 including:
 - Recommendations, comments and questions from the WTC C-L C
 - CBPR Expert Advisory Committee Synthesis Report

Community Concerns: Process

- Continue to try to work with EPA and SRA on implementing CBPR
- Delays in the contracting process due to protracted negotiations regarding the Statements of Work for the Community Technical Experts
 - Delay in hiring Technical Experts necessitated request by community to extend Federal Register comment period deadline
 - Technical experts began review in good faith
 - Final agreement was finally reached on 12/28/05, almost two months after negotiations began with EPA
- Community requests for on-going panel meetings since November 2004 denied by EPA

Community Concerns: Unmet Public Health Needs (On-going)

- 9/11 related clean-up, demolition and construction
 - 4 Albany Street (Deutsche Bank) Building Demolition
 - 10-story structure which occupies ½ block
 - Demolition has been proceeding in the absence of any public process since December 27, 2004
 - CB#1 only notified of this at the 01/10/05 WTC Redevelopment Committee meeting and the demolition is expected to be completed by Memorial Day 2005.
 - 130 Liberty Street (Deutsche Bank) Building Demolition
 - Fiterman Hall Demolition (30 West Broadway)
 - 130 Cedar Street Clean-up (or Demolition ?)
- We request again that the EPA WTC Expert Technical Review Panel, in its advisory role to EPA, address these concerns. Thousands of people live and work within three blocks of these buildings. We request that a presentation be made to this Panel on the status of these buildings at the next panel meeting.

The CBPR Expert Advisory Committee Members

The WTC Community-Labor Coalition would like to thank the Expert Advisory Committee for their work and also for the very special effort they made to be at the Feb. 23d meeting (* here today):

- * **Dr. David O. Carpenter** (Chair of the CBPR Expert Advisory Committee) is a Research Physician who has held previous positions as Director of the Wadsworth Laboratories of the New York State Department of Health and then as Dean of the School of Public Health of the University at Albany. He is currently Director of the Institute for Health and the Environment at the University at Albany and Professor of Environmental Health and Toxicology within the School of Public Health.
- **Dr. Scott M. Bartell** is Assistant Professor of Environmental and Occupational Health for the Rollins School of Public Health at Emory University. He has conducted environmental health risk assessment research for most of the last decade

The CBPR Expert Advisory Committee Members (cont.)

- ***Mr. Paul W. Bartlett** is a specialist in atmospheric transport and deposition modeling, monitoring and measurements of trace organic contaminants. For over nine years, as a research associate at the Center for the Biology of Natural Systems, Queens College, City University of New York, Mr. Bartlett participated in path-breaking research in pollution prevention, emission.
- **Dr. John Dement** is a Professor in the Division of Occupational and Environmental Medicine, Duke University Medical Center. Dr. Dement has conducted research concerning exposures and health effects of asbestos and other fibers for over 30 years. Dr. Dement chose to work pro bono on this project.

The CBPR Expert Advisory Committee Members (cont.)

- **Mr. Liam Horgan** is a Certified Industrial Hygienist with seventeen years experience in the industrial hygiene and environmental engineering fields, including extensive post-9/11 testing. He has been responsible for the development, implementation and management of a wide variety of projects with emphasis in the hazardous materials field.
- **Mr. Gary Hunt** is a Vice President of Air Toxics Programs and Director of Air Toxics Monitoring within TRC in their Lowell, MA office. He works principally in the toxic air pollutant area and, in particular, the characterization, quantification and control of toxic air pollutant emissions from stationary and fugitive sources, as well as their distribution, occurrences, transport and fate in the atmosphere.
- **Dr. Richard Lemen** is a Consultant in Occupational Safety and Health who is a retired Assistant Surgeon General in the US Public Health Service. He has served in senior positions at NIOSH, including Deputy Director and Acting Director.

WTC Community-Labor Coalition's
Recommendations
for EPA's Proposed Sampling
Program to Determine Extent of WTC
Impact to the Indoor Environment
(10/15/04)

Executive Summary

The EPA must sample for and clean up toxic indoor WTC contamination as quickly as practicable.

- The Draft Proposed Sampling Program does not contain a clear commitment to clean up contaminants when found and the decision-making criteria for cleanup are vague. The Expert Advisory Committee states that the primary objective of the Draft Proposed Sampling Program “must be to identify habitable spaces with ongoing World Trade Center (WTC) contamination and provide cleanup where warranted.” The Expert Advisory Committee further recommends, “There is an urgent need to quickly identify indoor spaces where WTC toxics pose a threat to human health and to clean these spaces immediately.”

The EPA must not wait for discovery and validation of a “WTC chemical signature” (which may never be identified) before beginning a sampling and cleanup program.

- The sampling and cleanup program must proceed independently of the signature research, which will likely take years to complete and ultimately, may not be successful. In contrast, the Draft Proposed Sampling Program is contingent upon the discovery of a WTC signature. The Expert Advisory Committee states, “Whether or not a signature is found, it is essential to clean up any contamination resulting from the WTC event.”

Affected neighborhoods in Brooklyn and other areas likely to have been impacted by the disaster must be included in the initial sampling and cleanup program.

- EPA's proposed geographic zone for initial sampling fails to include these areas, relegating them to a "Phase II" which may never materialize. The Expert Advisory Committee states, "The proposal does not describe the rationale for excluding Brooklyn or limiting the study area to lower Manhattan. Sampling of buildings should be much broader than planned and should be based on the extent of the plume as determined either by the NASA photos or other appropriate methods." The Expert Advisory Committee further recommends, "Consideration must also be given to areas from which residents have been reported to exhibit adverse respiratory health effects..."

The results of all samples taken of toxic substances must be included in the cleanup decision-making criteria.

- The Draft Proposed Sampling Program wrongly discounts contamination of infrequently cleaned or low contact and “inaccessible” indoor areas. The Expert Advisory Committee states, “The dust samples present in inaccessible locations, like those found in HVAC ducts or ceiling plenums, represent the most significant reservoirs of contaminated dusts available for introduction into residential living space and work space alike. These reservoirs must receive the highest priority in the sampling program design.”

Small asbestos fibers (i.e., less than 5 microns in length) must be included in the sampling results and considered in assessments as to whether or not cleaning is warranted.

- The proposed sampling methods are inadequate for identifying very small fibers and particles that may pose significant health threats. The Expert Advisory Committee states, “Short fibers should be sampled and reported. Any assumption that short fibers, less than 5 microns in length, are not hazardous cannot be justified based on the available science.”

The list of proposed contaminants for sampling (asbestos, man-made vitreous fibers, crystalline silica, polycyclic aromatic hydrocarbons, and lead) must be expanded to include particulate mercury and dioxin.

- The Expert Advisory Committee noted that many of the sampling and analytical methods used by the EPA to restrict the contaminants of potential concern (COPCs) to be tested were “inadequate” and resulted “in the elimination of many substances found frequently at hazardous levels in many buildings.”

The process for selection of buildings to be tested must be elucidated and should incorporate additional factors that can, according to the Expert Advisory Committee, “affect a building unit’s accumulation and retention of WTC toxics.”

- Information must also be collected for buildings that are not included in the sampling program to assess whether or not the buildings sampled are truly representative, and if not, to determine how the results may be biased. The Expert Advisory Committee states, “The proposal for selection of buildings is vague and appears to be flawed.”

A detailed rationale must be provided for the “triggers” for cleanup, (i.e., benchmarks used to determine whether cleanup is conducted).

- The EPA plan proposes an arbitrary “trigger” of “3X background” for certain contaminants without describing how the background levels will be determined and without providing a rationale as to why the “3X background level” was chosen for each of the contaminants tested. The EPA plan fails to consider the potential health consequences of chemical mixtures. The Expert Advisory Committee states, “As a result of the failure to consider mixtures, specific health effects are likely to be underestimated by the benchmark of one set of contaminants.”

The Draft Proposed Sampling Plan must contain a quality assurance/quality control (QA/QC) protocol to make sure that testing and analysis will be carried out properly.

- The Draft Proposed Sampling Program barely addresses the issue of quality assurance/quality control. The Expert Advisory Committee states, “The proposed sampling program must represent a state-of-the-art sampling and analysis effort with adequate QA/QC employed such that the data are fully defensible.”

Conclusions

The WTC Community-Labor Coalition requests that EPA:

- Provide a written response to the WTC Community-Labor Coalition's comments and the CBPR Expert Advisory Committee's Report (not a Power Point presentation). The "themes" document is not sufficient.
- Revise its Draft Proposed Sampling Program based on our comments and our Expert Advisory Committee's Report.

Conclusions

(cont.)

- Simultaneously copy panelists' comments on the sampling plan and public comments to all panelists when submitted to EPA, and that EPA post all comments to the website by March 4 (EPA has asked panelists to provide written comments on the sampling plan and public comments by March 2.)
- Provide a written, legal memorandum describing the powers of various federal, state, and local agencies to gain access to buildings as it relates to protecting the public's health and environmental testing and how those powers might be combined to help effectuate the sampling and cleanup program. Although this legal memorandum has been repeatedly requested at Panel meetings, to date no such legal memorandum has been provided.